APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,956	07/30/2003	Daniel Revel	200208391-1	8889

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EXAMINER
DWIVEDI, MAHESH H

ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Advisory Action ***Before the Filing of an Appeal Brief***	10/629,956	REVEL, DANIEL	
	Examiner	Art Unit	
	Mahesh H. Dwivedi	2168	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>29 June 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: 1-3,5,7, 9-14, 18-22, 35-41
   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

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Mahesh Dwivedi
Patent Examiner, AU 2168
07/12/2007

Continuation of 11. does NOT place the application in condition for allowance because: The request for reconsideration filed on 06/29/2007 is acknowledged, but is not persuasive. Applicant argues on page 03, that "Applicant believes that this is merely a recitation of disadvantages encountered in the art in 1997 when the Unger application was filed...There is not teaching in the Tang reference that such disadvantages still existed in 2002, with the subsequent advances in hardware and software technology which occurred during the intervening years". In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, using Unger's method with Tang's method provides a method to prevent several inefficiencies such as constantly updating entire dictionaries, breakdowns of large dictionaries, and the inability to optimize dictionaries with large tokens in data compression and transmission, as noted by Unger (Column 1, lines 60-67-Column 2, lines 1-14). Moreover, since the motivation is clearly described in Unger, the reason for combining is proper. Applicants argue on pages 03-04 that "the Tang reference teaches that compression techniques which do not require code space (i.e. dictionary) handling, and which consequently do not suffer from the dictionary inefficiencies described by the under reference, can be used instead of dictionary based compression techniques. As a result, the Tang reference teaches how such inefficiencies can be avoided, without any need to resort to the teaching of the Unger reference. Therefore, because there is no credible reason to combine provided by the Office, it is improper to combine the Tang and Unger references. However, the examiner wishes to recite paragraph 27 which states "Any number of compression techniques can be employed" (Paragraph 27). The examiner further wishes to state that techniques which uses code spaces (compression dictionaries) are also clearly used as well. Moreover, Tang clearly is directed towards compression via code spaces, since the description details numerous uses of the code spaces to accomplish compression/decompression. Applicant argues on page 04 that "Applicant respectively traverses the Office's assertion that it would have been obvious...Such could be possible only in hindsight and in light of Applicant's teachings. Therefore, the rejection is improper at least for that reason and should be withdrawn". In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Applicants argue on page 06 that "The Tang reference does not teach or suggest that the dictionary is created from the WSDL definition of the web service" and "there is no teaching or suggestion that this code space was created from a web services description language of a web service, as recited in claim 18. However, the examiner wishes to point to paragraphs 35, and 37-38 of Tang which state creating a compression dictionary from a web services description language" as "Documents or data, such as XML documents or data, can be communicated using Remote Procedure Call (RPC) protocols. One known RPC method is Simple Object Access Protocol (SOAP). SOAP is a set of conventions for invoking code using XML over HTTP. The SOAP protocol specification mandates the use of a small number of HTTP headers to facilitate firewall/proxy filtering. The SOAP specification also mandates an XML vocabulary that is used for representing method parameters, return values, and exceptions" (Paragraph 3), "If the code space is not available, the proxy dynamically generates a new code space and supplies it with a new version or identifier" (Paragraph 35), and "The client determines from the proxy header if the client already has the correct code space to decompress the received document. A header can be understood as a prelude to an HTML request that helps describe the contents of the HTML request so that it may be processed correctly. An example of an existing HTML header is: "Content-Length: 650". This particular header describes how long the request package is. In an exemplary embodiment, a header, such as "Compression-Proxy: CodeSpaceVersion=request:005, ProxyVersion=1.0, DestinationURL=www.infowave.com/SOAP.po" can be suitable. The codespace version attribute can specify the version of the dictionary to be used for www.infowave.com/soap.po. The proxy version can state the minimum proxy version required to handle the request. The destination URL is the intended server to receive the request" (Paragraph 37-38). The examiner further notes that it is common knowledge that soap protocol is associated with wsdl. Applicants argue on page 07 that "the Unger reference, teaches away from publishing the compression dictionary on a network resource...Thus, the Unger reference teaches away from obtaining the dictionaries from any network resource other than that from which the corresponding compressed HTML file or web page is obtained. However, independent claim 18 merely recites "publishing the compression dictionary on a network resource, wherein the compression dictionary is retrievable via an HTTP get request to the web service". Thee examiner further wishes to state that it is clear that the compression dictionaries are obtained from a remote site, and as result are published publicly. Therefore, as a result, Unger clearly teaches remotely retrieving a compression dictionary from world-wide web.